

## **REMARKS**

Claims 1 through 39 were presented for examination. Claims 1 through 39 were rejected.

Claims 7, 17, and 18 have been amended to distinctly claim the subject matter that the applicants regard as the invention.

Claims 9 and 18 have been amended to correct an inadvertent typographical error.

The applicants respectfully request reconsideration in light of the following comments.

### **35 U.S.C. 112 Rejection of Claims 7, 17-18**

Claims 7, 17, and 18 were rejected under 35 U.S.C. 112, second paragraph. The applicants respectfully submit that the claims, as amended, overcome the rejection.

### **35 U.S.C. 102 Rejection of Claims 1-2, 6-7, 9-11, 16-21, 25-27, 30, 32-34, 39**

Claims 1-2, 6-7, 9-11, 16-21, 25-27, 30, 32-34, and 39 were rejected under 35 U.S.C. 102(e) as being anticipated by J.T.E. McDonnell et al., U.S. Patent 6,813,499, issued November 2, 2004 (hereinafter "McDonnell"). The applicants respectfully submit that the claims, as amended, are traversed.

Claim 1 recites:

**1.** A method comprising:  
determining that a first wireless terminal at a location can communicate with a second wireless terminal with a level of service; and  
transmitting to a third wireless terminal *an indication that said third wireless terminal should be able to communicate with said second wireless terminal with said level of service at said location.*  
[emphasis supplied]

Nowhere does McDonnell teach or suggest, alone or in combination with the other references, what claim 1 recites – namely the transmission of an indication that the third wireless terminal should be able to communicate with the second wireless terminal with the considered level of service at the location of the first wireless terminal. For this reason, the applicants respectfully submit that the rejection of claim 1 is traversed. Note that in the illustrative embodiment of the present invention, a particular level of service is considered

when determining that the first wireless terminal at a location is able to communicate with the second wireless terminal at the level of service being considered. Level of service—measured in terms of one or more characteristics such as throughput, error rate, and latency—is explained in paragraph [0027] of the application as filed.

Because claims 2, 6, and 7 are dependent on claim 1, the applicants respectfully submit that they too are also traversed.

Claim 9, as amended, recites:

**9. A method comprising:**

receiving from a first wireless terminal a measurement of a characteristic of an electromagnetic signal radiated by a source, wherein said measurement is associated with a location; and

transmitting to a second wireless terminal *an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal with said measurement exceeding a threshold.*

*[emphasis supplied]*

Nowhere does McDonnell teach or suggest, alone or in combination with the other references, what claim 9 recites – namely the transmission of an indication that the second wireless terminal should be able to receive, at the location of interest, the electromagnetic signal of interest with the measurement of the characteristic of interest exceeding a threshold. For this reason, the applicants respectfully submit that claim 9 should be allowed.

Because claims 10, 11, 16, and 17 depend on claim 9, the applicants respectfully submit that they too are also traversed.

Claim 18, as amended, recites:

**18. A method comprising:**

receiving information comprising a location;

determining that a measurement of a characteristic of a first electromagnetic signal transmitted by a first wireless terminal exceeds a threshold; and

transmitting to a second wireless terminal *an indication that said second terminal should be able to communicate at said location with an access point such that said access point receives a second electromagnetic signal transmitted by said second wireless terminal with said measurement exceeding said threshold.*

*[emphasis supplied]*

Nowhere does McDonnell teach or suggest, alone or in combination with the other references, what claim 18 recites – namely the transmission of an indication that the second terminal should be able to communicate, at the location of interest, with the access point such that the access point receives the second electromagnetic signal transmitted by the second terminal with the measurement of the characteristic of interest exceeding a threshold. For this reason, the applicants respectfully submit that claim 18 is traversed.

Because claims 19-21 and 25 depend on claim 18, the applicants respectfully submit that they too are traversed.

Claim 26 recites:

**26.** An apparatus comprising:

a processor for determining that a first wireless terminal at a location can communicate with a second wireless terminal with a level of service; and

a transmitter for transmitting to a third wireless terminal *an indication that said third wireless terminal should be able to communicate with said second wireless terminal with said level of service at said location*.

*[emphasis supplied]*

As with claim 1, nowhere does McDonnell teach or suggest, alone or in combination with the other references, what claim 26 recites – namely the transmission of an indication that the third wireless terminal should be able to communicate with the second wireless terminal with the considered level of service at the location of the first wireless terminal. For this reason, the applicants respectfully submit that the rejection of claim 26 is traversed.

Because claims 27 and 30 depend on claim 26, the applicants respectfully submit that the rejection of them is also traversed.

Claim 32 recites:

**32.** An apparatus comprising:

a receiver for receiving from a first wireless terminal a measurement of a characteristic of an electromagnetic signal radiated by a source, wherein said measurement is associated with a location; and

a transmitter for transmitting to a second wireless terminal an *indication that said second wireless terminal should be able to receive at said location said electromagnetic signal with said measurement exceeding a threshold*.

*[emphasis supplied]*

As with claim 9, nowhere does McDonnell teach or suggest, alone or in combination with the other references, what claim 32 recites – namely the transmission of an indication that the second wireless terminal should be able to receive, at the location of interest, the

electromagnetic signal of interest with the measurement of the characteristic of interest exceeding a threshold. For this reason, the applicants respectfully submit that the rejection of claim 32 is traversed.

Because claims 33, 34, and 39 depend on claim 32, the applicants respectfully submit that the rejection of them is also traversed.

**35 U.S.C. 103 Rejection of Claims 3-5, 13-15, 22-24, 28-29, 36-38**

Claims 3-5, 13-15, 22-24, 28-29, and 36-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over J.T.E. McDonnell et al., U.S. Patent 6,813,499, issued November 2, 2004 (hereinafter "McDonnell") in view of J.S. Cisneros et al., U.S. Patent 5,774,829, issued June 30, 1998 (hereinafter "Cisneros"). The applicants respectfully submit that the claims are traversed.

Claims 3 through 5 depend on claim 1, and Cisneros fails to cure deficiencies of McDonnell with respect to claim 1. Therefore, the applicants respectfully submit that claims 3 through 5 are traversed.

Claims 13 through 15 depend on claim 9, and Cisneros fails to cure deficiencies of McDonnell with respect to claim 9. Therefore, the applicants respectfully submit that claims 13 through 15 are traversed.

Claims 22 through 24 depend on claim 18, and Cisneros fails to cure deficiencies of McDonnell with respect to claim 18. Therefore, the applicants respectfully submit that claims 22 through 24 are traversed.

Claims 28 through 29 depend on claim 26, and Cisneros fails to cure deficiencies of McDonnell with respect to claim 26. Therefore, the applicants respectfully submit that claims 28 through 29 are traversed.

Claims 36 through 38 depend on claim 32, and Cisneros fails to cure deficiencies of McDonnell with respect to claim 32. Therefore, the applicants respectfully submit that claims 36 through 38 are traversed.

**35 U.S.C. 103 Rejection of Claims 8, 12, 31, 35**

Claims 8, 12, 31, and 35 were rejected under 35 U.S.C. 103(a) as being unpatentable over J.T.E. McDonnell et al., U.S. Patent 6,813,499, issued November 2, 2004 (hereinafter "McDonnell") in view of R.C. Knauerhase et al., U.S. Patent Application 20040203847, published October 14, 2004 (hereinafter "Knauerhase"). The applicants respectfully submit that the claims are traversed.

Claim 8 depends on claim 1, and Knauerhase fails to cure deficiencies of McDonnell with respect to claim 1. Therefore, the applicants respectfully submit that claim 8 is traversed.

Claim 12 depends on claim 9, and Knauerhase fails to cure deficiencies of McDonnell with respect to claim 9. Therefore, the applicants respectfully submit that claim 12 is traversed.

Claim 31 depends on claim 26, and Knauerhase fails to cure deficiencies of McDonnell with respect to claim 26. Therefore, the applicants respectfully submit that claim 31 is traversed.

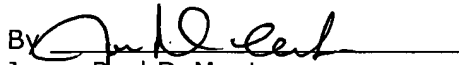
Claim 35 depends on claim 32, and Knauerhase fails to cure deficiencies of McDonnell with respect to claim 32. Therefore, the applicants respectfully submit that claim 35 is traversed.

**Request for Reconsideration Pursuant to 37 C.F.R. 1.111**

Having responded to each and every ground for rejection in the Office action mailed June 30, 2005, applicants request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

Should there remain unresolved issues the applicants respectfully request that Examiner telephone the applicants' attorney at 732-578-0103 x11 so that those issues can be resolved as quickly as possible.

Respectfully,  
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